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EXAMINER

HUQ, AHMED E

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,020	Applicant(s) LI ET AL.	
	Examiner AHMED E. HUQ	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/4/2006, 7/21/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-35 are presented for examination

Information Disclosure Statement

2. IDS are files on 05/4/2006 and 07/21/2008 have been considered.

Claim Objections

3. Claims are objected to because of the following informalities:

In claim 14, line 1 "**e system**" should be recited to read as --**The** system--.

In claim 25, limitation labels "**b-d**" should be recited to read as --**a-c**--.

Claims 1-35, appropriate grammar correction is required, such as: **an** access point, instead " a access point"

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 12-17, 18-20, 25-28, and 30-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 3, should be recited to read as -- and/or expected time of arrival at the hotspot-**access point**--. Appropriate correction is required.

There are insufficient antecedent basis for these limitations in the claims below.

Claim 12, "**the** cache server" (line 5).

Claims 13-17 mirror the deficiencies of claim 12 and are also rejected.

Claim 18, "**the** identified cache server" (line 7).

Claims 19-20 mirror the deficiencies of claim 12 and are also rejected.

Claim 25, “**the** cache server” (line 7), “**the** remote cache server” (line 9-10), “ **the** content user mobile device” (line 13).

Claims 26-28 mirror the deficiencies of claim 12 and are also rejected.

Claim 30, “**the** spot wireless local area” (line 14-15).

Claim 31 mirror the deficiencies of claim 12 and is also rejected.

Appropriate correction is required.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 21-24 “**Computer usable medium**” are not described in the specification. Appropriate correction is required. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 12, recites a "system for facilitating the transmitting..." ; moreover, “ means for generating a proxy....and means for transmitting the proxy....” that has been reasonably interpreted as computer program, component, file per se. In this claim the function of the program is just software, not any hardware. Claim 12 fails to recite the “system” as stored on an appropriate computer readable device, which defines

structural and functional interrelationships between the software and other components of a computer that permit the software's functionality to be realized-see MPEP 2106.01(I), Therefore, Claim 12 is rejected as non-statutory.

Claims 13-17 mirror the deficiencies of claim 12 and are also rejected as non-statutory.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-11 are Rejected under 35 U.S.C. 102(b) as being anticipated by
Crosbie, US 2002/0085719 A1**

Claim 1, Crosbie teaches A system for obtaining at least one content file requested by a content user from at least one content provider for remote site downloading at a ~~hotspot~~-access point and delivering the at least one content file after arrival of the content user at the ~~hotspot~~-access point, the system comprising: a cache server having (see paragraph 0036, route content from the content provider using wireless device):

means to connect to a data network (Fig. 1, Data link transfer 32, Mobile device 26), means to download the at least one content file from the at least one content providers over the data network upon receipt of a proxy (Fig. 2, Roaming server 22, communication interface 44, where base station connects to a server), means to store

the at least one downloaded content file (Fig. 2, Database device 42 for storage and Paragraph 0049), and

means to locally deliver at the ~~hot spot~~ access point the at least one stored content file to the content user which requested the content file (Paragraph 0049 and 0051 where wireless mobile coverage local area network (LAN) 34 to the access points 24)

Claim 2, Crosbie teaches wherein the means to locally deliver the content file comprises a wireless router at the access point ~~hot spot~~ (Paragraph 0012 and 0035 where network link 20 serves as server, a router, a bridge, a switch optimize the wireless link performance).

Claim 3, Crosbie teaches means to dynamically create a directory for a content user when a content file requested by the content user is downloaded from the content provider (Paragraph 0037 where wireless base station such as WLAN subnet or channel 38 and Fig. 1 illustrates the mobile device 26 is any suitable type of device that will support a wireless technology),

means to store the downloaded content file in the directory corresponding to the content user (Fig. 2, Database device 42 for storage and Paragraph 0049), and means to synchronize the downloaded content file to the content user when the content user is at the ~~hot spot~~ access point (Paragraph 0016 and 0018, use of Access Point (AP) by transferring unique session data from one access point to another device, such as: AP device address, hop sequence, frequency offset and encryption key).

Claim 4, Crosbie teaches wherein the means to share stored content files for multiple content users comprises at least one dynamic user directory (Paragraph 0004,

0012 and 0013 where Point-to-Point session from slave to master creates link for other device).

Claim 5, Crosbie teaches wherein the cache server is a networked set-top box (Paragraph 0049-0051 and 0087 where the communication interface 44 of the roaming server 22 provides an interface between other devices).

Claim 6, Crosbie teaches wherein the proxy is a data set (Fig. 2 illustrate roaming server 22 as proxy server).

Claim 7, Crosbie teaches wherein the proxy is a data set comprising cookies (Paragraph 0056 and Fig. 2 illustrate session data 48 previously stored to initially use it at AP, therefore, it stored as cookies or device address 52-2 to the target device).

Claim 8, Crosbie teaches wherein the proxy is a data set or executable object contained in an e-mail or an instant message received by the cache server (Paragraph 0013 where relaying information between controller and server via Bluetooth channel).

Claim 9, Crosbie teaches wherein the data set comprises data identifying the content file (Paragraph 0021, UDP packets), content provider (Fig. 1 WLAN 36), content user, and/or expected time of arrival at the ~~hotspot~~ (Paragraph 0021)

Claim 10, Crosbie teaches wherein the means to locally deliver comprises a wireless router or access point bridge at the ~~hotspot~~ access point, programming to enable the content user to log in at the her access point with a mobile device and (Paragraph 0035), upon authentication of a logged in content user, routing the content file to the content user's mobile device. (Paragraph 0057, uses an authentication profiling method of a user by correspond message to "MAC address").

Claim 11, Crosbie teaches wherein the cache server is a networked, Internet-enabled digital storage device (Paragraph 0049, device database 42 provide information and store information on a wireless connection 30).

8. Claims 12-35 are Rejected under 35 U.S.C. 102(b) as being anticipated by Kivipuro et al. (hereinafter Kivipuro), US Pub No: 2002/0062361 A1

Claim 12, Kivipuro teaches A system for facilitating the transferring of a content file from a content provider to a content user client device comprising (see Fig. 1 and Fig. 3):

means for generating a proxy that identifies the content file, content provider, and content user (Paragraph 0051 and 0052; information about local service provider, content file and content user); and

means for transmitting the proxy to the cache server at a ~~hotspot~~access point.
(Paragraph 0051, where the content server is coupled with Internet Terminal Server).

Claim 13, Kivipuro teaches a cache server at the ~~hotspot~~access point which has means to download the content file from the remote content provider according to the transmitted proxy and means to locally transmit the content file to a content user mobile device (Paragraph 0051 and 0052, Fig. 1, 3 and 4 illustrate transmitting content packets and transmitting information),

said means to locally transmit the content file comprising means in the cache server for receiving and decoding a proxy containing parameters comprising an identification of the content file to be downloaded and the Internet address of the

content provider (Paragraph 0051 and Fig. 1 and 3; checks the identification of users profile);

means for executing the proxy to download the identified content file from the identified cache server; and means for transferring the downloaded content file to the content user mobile device at the access point ~~hotspot~~ (Paragraph 0050 and 0051; location specific wireless communication).

Claim 14, Kivipuro teaches means for obtaining parameters including at least the identity of the content file, the identity of the content provider, and the identity of the access point ~~hotspot~~ having the cache server (Paragraph 0051), wherein the means for providing the proxy comprises means for providing a proxy using the obtained parameters (Paragraph 0051 and 0053 and Fig. 1 and 3, illustrates mobile device and their information or content needs through interest profiles through WLAN and Base station).

Claim 15, Kivipuro teaches means for the content user to pay (Paragraph 0026 and 0028 suggest method of payment for using wireless communication service) the content provider and/or a remote downloading service provider for permission to remotely download the content file to the cache server at the ~~hotspot~~ access point and/or for locally transferring the content file from the cache server to a mobile device (Paragraph 0028 and paragraph 0029).

Claim 16, Kivipuro teaches the means for obtaining parameters comprises means for capturing a request to the cache server to download the content file (Paragraph 0039 and 0053 where storing decisions are driven by interest profiles

describing the user's needs); and means for extracting at least some of the parameters from the captured request (Paragraph 0025, describe properties of the content components).

Claim 17, Kivipuro teaches the means for providing a proxy comprises means for providing a proxy including computer code which, when executed at the ~~hotspot~~ access point, causes the content file to be downloaded from the content provider (Paragraph 0051 and 0053, Fig. 1,3,4 illustrate content file, information about content provider).

Claim 18, Kivipuro teaches A system for facilitating the transferring of a content file from a remote content provider to a cache server over the Internet and for locally transferring the content file to a content user mobile device comprising (Paragraph 0022, 0023, Fig. 1, 3 and 4; information about server, WLAN, content file and content user),

means in the cache server for receiving and decoding a proxy containing parameters comprising an identification of the content file to be downloaded and the Internet address of the content provider (Fig. 3, Paragraph 0049 where the content server includes a user specific identification card, so-called SIM card 32);

means for executing the proxy to download the identified content file to the identified cache server (Paragraph 0051, using proxy server data protocols); and

means for transferring the downloaded content file to the content user mobile device (Paragraph 0047 and 0052, Fig. 1, downloading content packet 18a,18b).

Claim 19, Kivipuro teaches means for storing the received proxy; wherein the proxy comprises data identifying a time at which the content file is to be downloaded

from the content provider (Paragraph 0053); and wherein the means for using the proxy comprises means for using the stored proxy to download the content file from the content provider at the time indicated in the parameters of the proxy (Paragraph 0056 and 0062 where content packet downloaded with backdrop options).

Claim 20, Kivipuro teaches means for receiving a proxy comprises means for receiving a proxy containing parameters including content user authentication (Paragraph 0006, check to see if wireless device is registered) data required for the content user to synchronize with the cache server and obtain access to the downloaded content file (Paragraph 0049 and 0051 where synchronizing the data for download from the content provider the local mobile terminal); and wherein the means for using the proxy comprises means for using the user information contained in the proxy to download the identified data from the identified at least one server (Paragraph 0049, and 0051; download identification profile from proxy server).

Claim 21, Kivipuro teaches A computer program product comprising a computer usable medium having computer readable code embodied therein, the computer readable code, when executed, causing a computer to implement a method for facilitating the transferring of a content file from a remote content provider to a cache server at a ~~hot-spot~~access point and later to a local content user client device comprising (Paragraph 0052 and 0063 where the data for download from the content provider to the local storage mobile terminal):

providing a proxy that facilitates the downloading of a content file to a cache server from a remote content provider over the Internet using Internet protocol

(Paragraph 0051); and transmitting the proxy to a cache server capable of using the proxy to download the content file from the remote content provider over the Internet and later transfer the downloaded content file to the client device (Paragraph 0051 and 0053).

Claim 22, Kivipuro teaches wherein the implemented method further comprises obtaining parameters including at least the identity of the content file (Paragraph 0053 content file is created based on the interest profile), the identity of the content provider, the identity of the cache server, and identity of the content user; and wherein, in the implemented method, providing a proxy comprises providing a proxy using the obtained parameters (Paragraph 0049, 0051 and 0052; provide content user, storage device proxy server).

Claim 23, Kivipuro teaches wherein, in the implemented method, obtaining parameters comprises capturing a content user request to the content provider for permission for the cache server to download the identified content file (Paragraph 0051 and 0052 checks user profile for authentication for downloading content); and extracting at least some of the parameters from the captured request (Paragraph 0052 and 0053).

Claim 24, Kivipuro teaches wherein, in the implemented method, providing a proxy comprises providing a proxy including computer code which, when executed, causes the content file to be downloaded from the content provider (Paragraph 0051 where content provider download content file).

Claim 25, Kivipuro teaches A method of caching at least one content files at a ~~hot~~ ~~spot~~-access point for a at least one plurality of content users who ~~have~~ has requested

(Paragraph 0052), prior to being present at the access point hotspot, the at least one a content file to be downloaded from a content server and stored for delivery (paragraph 0053, using content packets storing in database) when the at least one content user is present at the her access point comprising ~~a. providing at the hot spot an Internet-enabled cache server~~ (Paragraph 0051 where access points use content address)

b. upon receipt at the cache server of a message which identifies a request for a ~~the at~~ least one content file ordered by a the at least one content user prior to the at least one content user being present at the access point ~~hot spot~~, downloading the at least one content file from the remote cache server over the ~~Internet~~; (Paragraph 0050-0053; content user, content packet provider, user setting, user access point)

c. storing the downloaded content file at the ~~hot spot~~ access point (Paragraph 0053, use local storage database); and

d. upon the content user mobile device logging in at the ~~hot spot~~ access point, transmitting the at least one content file to the at least one content user mobile device (Paragraph 0051 and 0052).

Claim 26, Kivipuro teaches the content file is delivered to the content user mobile device when the mobile device has logged in at the access point hotspot and the content user mobile device requests the delivery (Paragraph 0047 and Fig. 4 illustrate a diagram of the download content packet).

Claim 27, Kivipuro teaches the mobile device is a wireless enabled personal data assistant or a web-enabled cellular telephone (Fig. 1, mobile device 5b, 5c and Paragraph 0022).

Claim 28, Kivipuro teaches the message comprises a proxy for an order for the content file (Paragraph 0051).

Claim 29, Kivipuro teaches A method for facilitating the transfer of a content file from at least one remote content provider server to a content user mobile device comprising: (Paragraph 0051-0053) ~~providing a wireless local area network at a hotspot, receiving from the content provider server or the content user mobile device at the hotspot~~ access point ~~wireless local area network~~ an authenticated (Paragraph 0049 authentication process for user) download order for a content file request from ~~sent by the content user mobile device to the content provider server over a different network,~~ downloading the content file at the ~~hotspot~~ access point wireless local area network, caching the content file (Paragraph 0050-0053), and upon the content user mobile client device signing in to the ~~hotspot~~ access point wireless ~~local area network at the hot spot,~~ delivering the content file to the content user mobile client device (Paragraph 0049, 0051 and 0052).

Claim 30, Kivipuro teaches A method for ordering a content file over a first network from a remote content provider at a first time and receiving the content file at a second time over a ~~hot spot~~ access point ~~local area network (LAN)~~ comprising: selecting an ~~hot spot~~ access point; (Paragraph 0022 and 0052; base station, transmit location data, content packet provider and mobile services switching center)

ordering over the first network the content file from the remote content provider server at the first time for downloading at the selected ~~hot spot;~~ access point sending order identification (Paragraph 0049) data comprising a URL of the content file

and a session specific cookie (Paragraph 0024, 0049; connects URL content file) to the ~~hot spot access point~~; ~~upon or after~~ responsive to reception of the order identification data at the selected hot spot access point LAN, downloading the content file from the content provider server and storing the content file in storage cache in the spot wireless local area network (Paragraph 0051-0053 where content data stores in a database); synchronizing a content user mobile device at the second time to the ~~hot spot LAN access point~~; and transferring the cached content file to the content user mobile device (Paragraph 0049 and 0051).

Claim 31, Kivipuro teaches the session specific cookie comprises the identity of user information and payment status (paragraph 0028), the previously identified computer using the cookie to cause the data to be transferred from the at least one server to the computer (Paragraph 0054 and 0056; content packet application WWW pages stores cookies).

Claim 32, Kivipuro teaches A method for facilitating the transferring of a content file from a remote content provider server (Fig. 1, 3, 4 and Paragraph 0022) to a content user mobile device comprising (Fig. 1, Mobile 5a,5b):

providing a proxy that facilitates the downloading of the content file from the content provider server (Paragraph 0051);

transmitting the proxy to a cache server at a ~~hot spot~~ access point enabled to execute the proxy to download the content file from the remote content provider server and (Paragraph 0050-52),

Upon the content user mobile device being ~~synchronized and/or authenticated at~~ associated with ~~the hot spot~~ access point cache server, transferring the downloaded content file to the content user mobile device (Paragraph 0052).

As per claim 33, the limitations are similar to the claim 22, thus same art and rationale apply.

Claim 32, Kivipuro teaches A method for facilitating the transfer of content file from a remote content provider server to a content user mobile device comprising: (Paragraph 0051 and 0052 where content provider, user content)

programming in the mobile device which causes the mobile device, in response to content user input (Paragraph 0052 where profiling provide a user interest, the content file determines content provider for downloading), to provide parameters to a cache server, the parameters including at least the identity of the content file to be downloaded and the identity of the content provider server and the cache server (paragraph 0051),

in response to receiving the parameters provided by the mobile device, using the parameters to cause the identified content file to be downloaded from the remote content provider server (Paragraph 0051 and 0052), and

in response to a communication received from the mobile device, transferring the downloaded content file to the mobile device (Fig.1 and 3).

Claim 32, Kivipuro teaches wherein the mobile device contains the programming (Paragraph 0003,0026 where application software is loaded in communication device).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED E. HUQ whose telephone number is (571)270-1515. The examiner can normally be reached on Monday-Friday 9:-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ahmed E Huq/
Examiner, Art Unit 2192
8/29/08

/Tuan Q. Dam/
Supervisory Patent Examiner, Art Unit 2192